

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KIMBERLY M. SANDERS,

Plaintiff,

v.

BSI CONSTRUCTION, INC, et al.,

Defendant.

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No. 4:08-CV-746 CAS

ORDER TO SHOW CAUSE

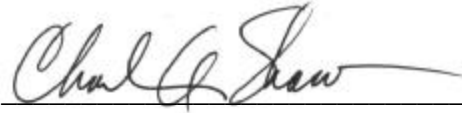
Pending before the Court is defendants' motion to dismiss pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute, or in the alternative, to compel plaintiff to provide Rule 26 disclosures and answers and responses to written discovery. A hearing was held on today's date regarding defendants' motion. Plaintiff failed to appear at the hearing or respond to defendants' motion. In addition, defendants previously filed a Rule 12(b)(6) motion to dismiss, to which plaintiff failed to respond. Plaintiff also failed to appear for the Rule 16 Conference held in this case or to participate in preparing a joint proposed scheduling plan as ordered by the Court.

From all appearances, it would seem plaintiff has abandoned prosecution of this matter. Under the circumstances, the Court deems it proper to consider the possibility of dismissing this case for failure to prosecute. The Court will direct plaintiff to demonstrate good cause against the dismissal of this lawsuit.

Accordingly,

IT IS HEREBY ORDERED that within thirty (30) days of the date of this Order, plaintiff shall show good cause why this lawsuit should not be dismissed without prejudice for plaintiff's

failure to prosecute. Plaintiff's failure either to comply with this Order or to show good cause may result in the dismissal of this case without prejudice.

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of December, 2008.